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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,386	07/09/2003	Yuji Tawaragi	030840	8503

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EXAMINER

HALEY, JOSEPH R

ART UNIT	PAPER NUMBER
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2627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/615,386

Applicant(s)

TAWARAGI, YUJI

Examiner

Joseph Haley

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6 and 7 is/are rejected.
- 7) ☒ Claim(s) 3-5 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 7 are rejected under 35 U.S.C. 103(a) as being obvious over Masui (US 6556523) in view of Kato (US 6272089).

In regard to claim 1, Masui teaches a recording clock signal generating apparatus located in an information recording device for recording information in a recording medium in which a wobbled information recording track and pre-pit formed thereon, said apparatus comprising: a wobble signal detecting section for detecting a wobble signal (column 2 line 48); a pre-pit signal detecting section for detecting a pre-pit signal (column 2 lines 56-57); a phase comparing section for comparing a phase of said wobble signal to that of said pre-pit signal and outputting the phase difference (see column 2 lines 56-57); a phase-shifting section for shifting a phase of said wobbled signal (column 2 line 54. see phase adjusting section); and a clock signal generating section for generating a recording clock signal based on said phase-shifted wobble signal (column 2 lines 46 and 47); however, Masui does not teach a determining section for determining whether the pre-pit signal is generated by erroneous detection of the pre-pit signal.

Kato teaches a determining section for determining whether the pre-pit signal is generated by erroneous detection of the pre-pit signal (see fig. 9. see also column 13 lines 66-67 and column 14 lines 1-21).

The two are analogous art because they both deal with the same field of invention of optical disc systems.

At the time of invention it would have been obvious to one of ordinary skill in the art to provide the apparatus of Masui with the erroneous pre-pit detector of Kato. The rationale is as follows: At the time of invention it would have been obvious to provide the apparatus of Masui with the erroneous pre-pit detector of Kato because it would allow the apparatus of Masui to compensate for defects on the disc.

In regard to claim 7, see claim 1 rejection above.

Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masui in view of Kato further considered with Sugie et al. (US 6498773).

In regard to claim 2, Masui and Kato teach all the elements of claim 2 except a control section for controlling said phase-shifting section when said phase difference is within a threshold width value set for the phase differences in the past.

Sugie et al. teaches a control section for controlling said phase-shifting section when said phase difference is within a threshold width value set for the phase differences in the past (column 8 lines 44-47. Sugie teaches controlling a circuit by ensuring the phase difference falls within a permissible range. In regard to the values being set in the past it is inherent the threshold values would be set in the past).

The three are analogous art because they both deal with the same field of invention of recording onto an optical disc.

At the time of invention it would have been obvious to one of ordinary skill in the art to provide the apparatus of Masui and Kato with the phase comparison of Sugie et al. The rationale is as follows: At the time of invention it would have been obvious to provide the apparatus of Masui and Kato with the phase comparison of Sugie et al. because it would ensure there will not be any major errors in reproduction.

In regard to claim 6, see claim 2 rejection above.

Allowable Subject Matter

Claims 3-5 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reasons for Allowance in prior Office Action.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Haley whose telephone number is 571-272-0574. The examiner can normally be reached on M-F 8:30am-5pm.

Art Unit: 2627

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jrh 


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